REMARKS/ARGUMENTS

Claims 18 and 20-43 are pending.

Claim 18 is amended to define that q=1.

Claims 38-40 define the amphiphilic polymer where q=1 and A is not propylene oxide, i.e., if three of the substituents $R^1$, $R^2$, $R^3$ and $R^4$ are hydrogen, the fourth substituent $R^1$, $R^2$, $R^3$ and $R^4$ is methyl (see page 4, lines 1-4 and page 7, lines 20-28).

Claims 41-43 define the amphiphilic polymer where q=1 and m is from 50 to 250, e.g., see original claim 4 and the specification on page 7, lines 30-31.

No new matter is believed to have been added by the presentation of these claims.

In the Action, a new rejection citing to DE 101 17 500 (U.S. 6,835,701) is asserted. The basis of the rejection is found at page 4 of the Action, noting the structure in col. 3 (of the U.S. patent) which if x is 0, y is 40 and z is 40.

This rejection is not applicable to the claims presented here because

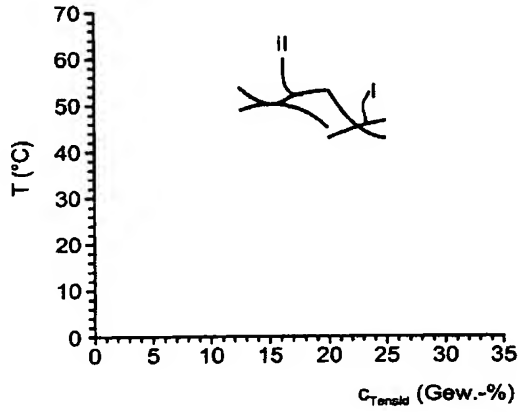
In claim 18, q=1 thereby excluding the possibility of propylene oxide for A

In claim 38, propylene oxide for A is excluded.

In Claim 41, the number of monomer units A in the claims is higher than the maximum number of 40 described for the number y of the propylene oxide units in formula II of the cited publications.

As discussed in the application, the amphiphilic polymer defined in the claims, corresponding to fonnula (I) is causal for its property as cosurfactant, that is to enhance the efficiency of tensides in mixtures with tensides to stabilize emulsions, especially microemulsions. Said another way, the addition of cosurfactants having the structure defined in the claims is able to stabilize emulsions with a quantity of tenside which is reduced compared to use of the tenside alone, without the addition of the cosurfactant.

These effects are demonstrated by the shift of the X-point to lower tenside concentrations, as shown in the examples and the figure (see below).




The cosurfactant as defined in the claims is neither described nor suggested by what is provided in the cited publications.

The '701 patent does not mention microemulsions but rather the use of a tenside composition comprising a non-ionic surfactant (an alkyl or alkenyl oligo glycoside) and an alcohol polyglycol ether for impregnating a cleaning cloth. The '701 patent provides not teachings relevant to the alcohol polyglycol ether could act as a co-surfactant for increasing the efficiency of surfactants in emulsions, such as microemulsions. Further, with respect to Claim 41, the number of monomer units A in the claims is completely different than that provided for in the cited publications and there is nothing that leads one to make such a alteration to arrive at the claims.

To the provisional obviousness-type double patenting rejections citing copending 10/556,793 and 10/588,719, in accordance with MPEP § 822.01:

> [i]f the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

Applicants request such action in the present case.

Allowance of the claims is requested.

Respectfully submitted,

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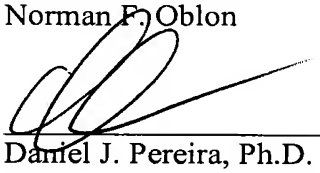

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